

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

APR 21 2010

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

IN RE JESUS L.

)
) 2 CA-JV 2010-0007
) DEPARTMENT B
)
) MEMORANDUM DECISION
) Not for Publication
) Rule 28, Rules of Civil
) Appellate Procedure
)

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. J-12324701

Honorable Karen S. Adam, Judge Pro Tempore

AFFIRMED

Gene C. Chang

Tucson
Attorney for Minor

B R A M M E R, Judge.

¶1 Jesus L., born in July 1993, appeals from the juvenile court's December 21, 2009, order continuing him on probation for six months and ordering him to pay the \$358 balance owed from a previous restitution order. Counsel has filed a brief citing *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969),

which also apply to delinquency matters. *See In re Maricopa County Juv. Action No. JV-117258*, 163 Ariz. 484, 486, 788 P.2d 1235, 1237 (App. 1989). Counsel states he has reviewed the record in compliance with *Anders* without finding any “issue warranting appellate review.”

¶2 Pursuant to several delinquency petitions the county attorney filed between April 2007 and May 2009, Jesus was adjudicated delinquent for the following offenses: assault; two counts of criminal damage; theft of means of transportation; two counts of third-degree burglary; and second-degree criminal trespass. The juvenile court placed him on probation several times and he violated the conditions of his probation several times. In addition, Jesus was ordered to pay restitution on two occasions. In August 2008, the court ordered him to pay \$1,666 to the victim of his first criminal damage offense, finding pursuant to Jesus’s agreement at the time of his admission to this offense that Jesus was “responsible jointly and severally with his codefendants” for this amount. In February 2009, the court ordered Jesus to pay \$1,104 to the victim of his second criminal damage offense.

¶3 Pursuant to a petition to revoke probation, Jesus admitted in December 2009 to having violated three of the conditions of his probation. On December 21, 2009, the juvenile court found Jesus to be in violation of his probation, continued him on probation for six months, and ordered him to “pay restitution previously ordered from 07-08-09 in the amount of \$358.00.”¹ Jesus appeals from the December 21, 2009 order.

¹It appears the juvenile court was referring to the balance of the restitution order for \$1,666, which was dated July 7, 2008, rather than July 8, 2009.

¶4 Despite having found no arguable issues to raise on appeal, counsel nonetheless asserts as a possibly apparent “non-frivolous” issue that the juvenile court may have erred in refusing Jesus’s request that he be excused from having to pay the remaining \$358 in restitution. At the December 2009 disposition hearing, counsel explained that Jesus had paid in full the \$1,104 restitution amount for which he had been solely responsible and most of the money toward the \$1,666 amount, which still had an unpaid balance of \$358. Counsel then asked the juvenile court to sever Jesus’s restitution order from that of his codefendant so he would be relieved of having to pay the outstanding balance. The court stated it was “sticking to” the \$1,666 award because the court had “made a specific finding that [the \$1,666 restitution amount] was joint and several . . . because that was what [Jesus had] agreed to do at the time of this plea.” We have considered the reasons counsel has asserted might support a conclusion the court’s ruling was erroneous and have not found them meritorious. Pursuant to our obligation under *Anders*, we have reviewed the entire record for error warranting reversal and have found none. Therefore, we affirm the court’s December 21, 2009, order.

/s/ J. William Brammer, Jr.

J. WILLIAM BRAMMER, JR., Judge

CONCURRING:

/s/ Peter J. Eckerstrom

PETER J. ECKERSTROM, Presiding Judge

/s/ Garye L. Vásquez

GARYE L. VÁSQUEZ, Judge